

**ORDINANCE NO. \_\_\_\_**

**SAN LUIS OBISPO COUNTY, STATE OF CALIFORNIA**

**AN ORDINANCE REGULATING OUTDOOR WATER USE TO MONDAYS AND THURSDAYS ONLY WITHIN APPLICABLE COUNTY SERVICE AREAS IN ACCORDANCE WITH THE DROUGHT EMERGENCY WATER CONSERVATION REGULATIONS ADOPTED BY THE STATE WATER RESOURCES CONTROL BOARD ON JULY 15, 2014 PER RESOLUTION NO. 2014-0038 AND SET FORTH IN CALIFORNIA CODE OF REGULATIONS, TITLE 23, SECTIONS 863, 864 AND 865**

**Section 1. Findings and Declarations.**

The Board of Supervisors makes the following findings in support of the enactment of this ordinance within County Service Area 10A (Cayucos), County Service Area 16-1 (Shandon), County Service Area 23 (Santa Margarita) and County Service Area 12 (Avila):

A. The County is a distributor of a public water supply within County Service Area 10A, County Service Area 16-1, County Service Area 23 and County Service Area 12.

B. The County is not an “urban water supplier” as defined in Water Code Section 10617, as it does not provide water for municipal purposes to more than 3,000 customers and does not provide more than 3,000 acre-feet of water annually.

C. On July 15, 2014, per Resolution No. 2014-0038, the State Water Resources Control Board adopted Emergency Water Conservation Regulations set forth in California Code of Regulations, Title 23, Sections 863, 864 and 865, effective on or around August 1, 2014.

D. Subsection (e) of Section 865 of the Emergency Water Conservation Regulations requires each distributor of a public water supply, that is not an urban water supplier, to either limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two (2) days per week or implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

E. Customers in County Service Area 10A are currently subject to Rules and Regulations for San Luis Obispo County Waterworks District No. 8, effective August 23, 1965, that provides, among other things, that usage may be limited during emergencies or where necessary for the conservation of the water supply; and are currently subject to Ordinance No. 3221, Ordinance Establishing Water Service Charges for San Luis Obispo County Service Area No. 10A (Cayucos), effective on or around February 10, 2012, that provides for, among other things, charges for violation of controls during emergencies.

F. Customers in County Service Area 16-1 are currently subject to County Service Area No. 16 Improvement District No. 1 Rules and Regulations Governing Water Service, effective October 16, 1980, that provides, among other things, that water will be furnished in accordance with applicable County ordinances and State regulations, that the County shall have the right to restrict the use of water to such hours and for such times and in such amounts as deemed advisable and that in the event of a violation of any such restriction, water service may be shut off; and are currently subject to Ordinance No. 2681, Ordinance Establishing Water Service Charges for County Service Area No. 16, Improvement Area No. 1, effective on or around August 26, 1994, that provides for, among other things, a service charge for violation of controls during emergencies.

G. Customers in County Service Area 23 are currently subject to San Luis Obispo County Waterworks District No. 6 Rules and Regulations Governing Water Services that provides, among other things, that water will be furnished in accordance with applicable County ordinances and State regulations, that the County shall have the right to restrict the use of water to such hours and for such times and in such amounts as deemed advisable and that in the event of a violation of any such restriction water service may be shut off; and are currently subject to Ordinance Establishing Water Service Charges for San Luis Obispo County Service Area No. 23 (Santa Margarita), effective on or around August 22, 2008, that provides for, among other things, a charge for violation of the control of maximum usage limits during an emergency.

F. Customers in County Service Area 12 are currently subject to the terms and conditions of individual contracts with the County.

G. This Ordinance is exempt from Section 21000 et seq. of the California Public Resource Code (California Environmental Quality Act) pursuant to Section 21080(b)(1) of the California Environmental Quality Act, and Guidelines Section 15268 because adoption of the Ordinance is non-discretionary, and therefore, ministerial.

## **Section 2. Restrictions on Outdoor Water Use.**

The following water restrictions shall remain in effect for as long as the Drought Emergency Water Conservation Regulations adopted by the State Water Resources Control Board on July 15, 2014 per Resolution No. 2014-0038 and set forth in California Code of Regulations, Title 23, Sections 863, 864 and 865 are in effect, including any extension thereof:

Irrigation of ornamental landscapes or turf with potable water by customers within County Service Area 10A, County Service Area 16-1, County Service Area 23 and County Service Area 12 is permitted only on Mondays and Thursdays. No irrigation of ornamental landscapes or turf with potable water by customers within County Service Area 10A, County Service Area 16-1, County Service Area 23 or County Service Area 12 is permitted on Tuesdays, Wednesdays, Fridays, Saturdays or Sundays.

### **Section 3. Enforcement.**

A violation of this Ordinance is a violation of a restriction authorized by and imposed in accordance with the rules and regulations set forth in Section 1 of this Ordinance and constitutes a violation of controls during emergencies and/or a violation of the control of maximum usage limits identified in the ordinances set forth in Section 1 of this Ordinance. In the event of a violation of this Ordinance, the County may, in its discretion and in addition to all other remedies, take such enforcement actions and impose such fees as are authorized in the rules and regulations, ordinances and/or contracts set forth in Section 1 of this Ordinance and applicable to the customers of the County service area in question.

### **Section 4. Effective Date.**

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this Ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the Ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Introduced at a regular meeting of the Board of Supervisors held on the \_\_\_\_ day of August, 2014, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California on the \_\_\_\_ day of August, 2014, by the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

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Chairman of the Board of Supervisors of  
the County of San Luis Obispo, State of  
California

ATTEST:

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County Clerk and Ex-Officio Clerk of the  
Board of Supervisors, County of San  
Luis Obispo, State of California

By: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:  
**RITA L. NEAL**

County Counsel

By: \_\_\_\_\_

  
Deputy County Counsel

Dated: August 1, 2014